

July 21, 2005

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
July 21, 2005

I. OPENING OF MEETING AT 9:06 A.M. AT 160 NORTH LA SALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; George E. Richards, Raymond W. Ewell and Betty Bukraba, Commissioners; Daniel Stralka and Andrew Barris of the Commission staff; and Jay Carlson, CMS. Commissioner Barbara J. Peterson arrived at 9:10 a.m.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD JUNE 16, 2005

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER RICHARDS AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD JUNE 16, 2005.

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging	158.....	6
Agriculture	577.....	17
Arts Council.....	22.....	1
Capitol Development Board	15.....	0
Central Management Services	1679.....	119
Children and Family Services.....	3402.....	41
Civil Service Commission	4.....	0
Commerce & Econ. Opportunity	456.....	60
Commerce Commission.....	44.....	0
Corrections.....	14,246.....	116
Criminal Justice Authority.....	80.....	5
Deaf and Hard of Hearing Comm.	7.....	1
Developmental Disabilities Council	10.....	1
Emergency Management Agency	116.....	1
Employment Security.....	1892.....	26
Environmental Protect. Agency	1099.....	16
Fin. & Prof. Regulation.....	802.....	40
Guardianship and Advocacy	109.....	5
Historic Preservation Agency	355.....	8
Human Rights Commission	11.....	2
Human Rights Department	147.....	7
Human Services	14,867.....	59
Workers Comp. Commission.....	170.....	9
Investment Board.....	4.....	1
Labor.....	75.....	7
Labor Relations Board Educational	15.....	2
Labor Relations Board Local.....	1.....	0
Labor Relations Board State	20.....	2
Law Enforce. Trng. & Standard Bd.	24.....	1
Medical District Comm.....	2.....	0
Military Affairs	146.....	3
Natural Resources	1732.....	27
Pollution Control Board	26.....	3
Prisoner Review Board	24.....	0
Property Tax Appeal Board	24.....	2
Public Aid	2201.....	24
Public Health.....	1114.....	32
Revenue	2024.....	58
State Fire Marshal.....	137.....	8
State Police	1494.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems	83.....	1
Transportation.....	2815.....	1
Veterans Affairs	1155.....	4
TOTALS	53,389.....	723

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

B. Governing Rule - Jurisdiction B Exemptions

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
 1. The Governor, or
 2. A departmental director or assistant director appointed by the Governor, or
 3. A board or commission appointed by the Governor, or
 4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
 5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
 6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
 7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.
- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
 1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
 2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board or commission.
 3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.
 4. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board or commission.
 5. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

- Regarding Items C, D and E, Jay Carlson, Deputy Director of the Bureau of Communications and Computer Services (BCCS), addressed the Commission regarding the organizational structure of the BCCS and the potential for overlap regarding the policy-making responsibilities of the proposed positions. Carlson stated that the positions are responsible for making immediate, “on-the-spot” policy decisions at meetings the attended on behalf of the Deputy Director. Chairman Kolker inquired as to how often the the positions acted on Carlson’s behalf and Chairman Kolker also inquired about the duties as they relate to the media administrator’s duties. Carlson stated that each position routinely acted on Carlson’s behalf depending on the availability of Carlson and the issues involved in the meeting, but that it was each position’s primary duty to make principal policy-making decisions as they relate to each position’s designated duties. It was also reported that three previously-exempted positions would be submitted to the Commission for exemption revocation at the next meeting.
- Regarding Items F and G, Andrew Barris informed the Commission that the staff had questions about the organizational structure of the IHPA and the Abraham Lincoln Presidential Library Museum – specifically the relationship between the Director of the IHPA and the Director the Abraham Lincoln Presidential Library and Museum (ALPLM). After contacting the personnel department at the IHPA, Barris was informed that the IHPA and the ALPLM are - for all practical purposes - separate entities. For the fact that the Deputy Director of ALPLM – Item G – reports directly to the ALPLM Director and the Chief Information Officer – Item F - reports to the Director of the IHPA and that there is no reporting relationship between the directors of the separate entities, the staff concluded that both positions meet the reporting requirement of Rule 11.
- Regarding Item H, although the positions meet the policy-making requirements of Rule 11, the staff recommended temporarily approving the exemption request until October 31, 2005 consistent with other IDFPF requests to allow for submission of a comprehensive organizational chart
- Regarding Item I, the position Bureau of Homeland Security is a new division that was created pursuant to the Executive Order of the Governor and the position meets the requirements of Rule 11 and the staff recommended approval.

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER EWELL AND THE MOTION UNANIMOUSLY ADOPTED TO GRANT THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

C. Requests for 4d(3) Exemption Granted by the Commission

The following 4d(3) requests for exemption were granted at the July 21, 2005 meeting:

Agency: Central Management Services
Position Title: Senior Public Service Administrator - Option 3
Position Number: 40070-37-10-100-00-01
Bureau/Division: Bureau of Communication and Computer Services
Agency Relations Program
Incumbent: Vacant
Supervisor: Deputy Director Bureau of Communication and
Computer Services
Location: Cook County

Agency: Central Management Services
Position Title: Senior Public Service Administrator - Option 3
Position Number: 40070-37-10-200-00-01
Bureau/Division: Bureau of Communication and Computer Services
Information Technology Division
Incumbent: Vacant
Supervisor: Deputy Director Bureau of Communication and
Computer Services
Location: Cook County

Agency: Central Management Services
Position Title: Senior Public Service Administrator (Option 3)
Position Number: 40070-37-10-010-01-02
Bureau/Division: Bureau of Communication and Computer
Services/Chief of Staff's Office
Incumbent: Vacant
Supervisor: Deputy Director of the Bureau of Communication
And Computer Services
Location: Sangamon

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER EWELL AND THE MOTION UNANIMOUSLY ADOPTED TO GRANT THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

The following 4d(3) requests for exemption were granted at the July 21, 2005 meeting:

Agency: Illinois Historical Preservation Agency
Position Title: Senior Public Service Administrator
Position Number: 40070-48-00-200-00-01
Division: Director's Office
Incumbent: Vacant
Supervisor: Director
Location: Sangamon County

Agency: Illinois Historical Preservation Agency
Position Title: Senior Public Service Administrator
Position Number: 40070-48-50-000-00-01
Division: A. Lincoln Presidential Library and Museum
Incumbent: Vacant
Supervisor: Director ALPLM (appointed)
Location: Sangamon County

Agency: Illinois Historical Preservation Agency
Position Title: Senior Public Service Administrator
Position Number: 40070-48-50-000-00-01
Division: A. Lincoln Presidential Library and Museum
Incumbent: Vacant
Supervisor: Director ALPLM (appointed)
Location: Sangamon County

Agency: Department of Commerce & Economic Opportunity
Position Title: Senior Public Service Administrator
Position Number: 40070-42-80-000-05-01
Division: Bureau of Homeland Security Marketplace
Incumbent: Vacant
Supervisor: Deputy Director, Homeland Security Marketplace
Location: Cook County

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

The following 4(d)3 request for exemption was granted until October 31, 2005.

Agency:	Department of Financial & Professional Regulation
Position Title:	Senior Public Service Administrator
Position Number:	40070-13-10-403-00-01
Division:	Thriffs Division
Incumbent:	James Roger Copely
Supervisor:	SPSA (40070-13-10-400-00-01)
Location:	Cook County

V. MOTION TO GO INTO EXECUTIVE SESSION

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER RICHARDS AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS OF DISMISSAL FILED WITH THE COMMISSION PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4) AND 2(c)(11) OF THE OPEN MEETINGS ACT.

VI. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle, Suite S-902, Chicago, Illinois at 10:05 a.m.

PRESENT

Chris Kolker, Chairman, George E. Richards, Raymond W. Ewell, Barbara J. Peterson and Betty Bukraba, Commissioners; Daniel Stralka and Andrew Barris of the Commission staff.

VII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code, however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services consecutive non-merit report as of June 30, 2005.

	<u>5/31/05</u>	<u>6/30/05</u>
Agriculture	1	1
Central Management Services	6	8
Children & Family Services	10	10
Comm. & Econ. Opportunity	3	3
Financial and Professional Reg.	0	1
Historic Preservation	26	31
Human Services	1	1
Labor	0	1
Natural Resources	25	32
Property Tax Appeal Board	1	1
Public Aid	11	10
Public Health	2	2
Revenue	1	0
State Fire Marshal	3	3
State Retirement Systems	2	1
Transportation	<u>12</u>	<u>6</u>
Totals	104	111

VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• **RULE VIOLATION (Remand)**

RV-01-02

Petitioner	Mark Thompson	Appeal Date	7/02/01
Agency	IDPR	Decision Date	2/23/05
Type of Appeal	Rule Violation	ALJ	Andrew Barris
Charge(s)	Politically Motivated Geographical Transfer.	Recommended Decision	Remanded From Circuit Court For Entry of a Final Order.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION THAT THE PETITIONER HAS ESTABLISHED BY SUFFICIENT, COMPETENT AND CREDIBLE EVIDENCE THE GEOGRAPHIC TRANSFER TO SPRINGFIELD WAS UNREASONABLE, UNJUST AND CAPRICIOUS AND WAS NOT A BONA FIDE ATTEMPT TO SERVE THE BEST INTERESTS OF THE OPERATING AGENCY FOR THE REASONS SET FORTH IN THE RECOMMENDED DECISION DATED FEBRUARY 23, 2005 AND PREVIOUSLY ADOPTED BY THE COMMISSION ON MARCH 17, 2005. THEREFORE SAID GEOGRAPHIC TRANSFER CONSTITUTES A VIOLATION OF SECTION TWO OF THE PERSONNEL CODE (20 ILCS 415/2). THE UNDERSIGNED FURTHER FIND, CONSISTENT WITH THE COMMISSION'S FINDINGS AND DECISION ON REMAND REFERENCED ABOVE, THAT THE GEOGRAPHIC TRANSFER BACK TO CHICAGO WAS NOT POLITICALLY MOTIVATED AND DID NOT CONSTITUTE A VIOLATION OF THE PERSONNEL CODE OR RULES. IN ACCORDANCE HERewith, THE RESPONDENT IS DIRECTED TO COMPLY WITH SECTION TWO OF THE PERSONNEL CODE.

PETERSON	YES	KOLKER	YES
EWELL	YES	BUKRABA	YES
RICHARDS	YES		

VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL (continued)

• **DISCHARGE (Remand)**

DA-91-04

Respondent	Alvin Bond	Appeal Date	4/16/04
Agency	DOT	Decision Date	7/6/05
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge(s)	Absence Without Approved Leave.	Recommended Decision	Charges Partially Proven; ALJ Recommends Discharge.

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION THAT THE RESPONDENT, ALVIN BOND, BE DISCHARGED FROM HIS POSITION OF HIGHWAY MAINTAINER WITH THE DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS.

PETERSON	YES	KOLKER	YES
EWELL	YES	BUKRABA	YES
RICHARDS	YES		

• **DISCHARGE**

DA-28-05

Respondent	Gregory J. Gossett	Appeal Date	10/29/04
Agency	DOC	Decision Date	7/8/05
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge(s)	Conduct Unbecoming a State Employee	Recommended Decision	Charges Partially Proven; ALJ Recommends 90 Day Suspension.

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM THE RECOMMENDED DECISION OF THE ADMINISTRATIVE LAW JUDGE THAT THE CHARGES WERE PARTIALLY PROVEN AND THAT SAID PROVEN CHARGES WARRANT A 90 DAY SUSPENSION FOR DISCIPLINARY PURPOSES IN LIEU OF DISCHARGE

PETERSON	YES	KOLKER	ABSTAINED
EWELL	YES	BUKRABA	YES
RICHARDS	YES		

VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL (continued)

• **DISCHARGE**

DA-33-05

Respondent	Janine Toman	Appeal Date	12/13/04
Agency	CMS	Decision Date	7/12/05
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge(s)	Conduct Unbecoming; Incompetent/Inefficient Performance of Duty; Insubordination.	Recommended Decision	Charges Partially Proven; ALJ Recommends Discharge.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE RECOMMENDED DECISION OF THE ADMINISTRATIVE LAW JUDGE THAT THE RESPONDENT, JANINE TOMAN, BE DISCHARGED FROM HER POSITION OF INTERNAL AUDITOR I WITH THE DEPARTMENT OF CENTRAL MANAGEMENT SERVICES, STATE OF ILLINOIS.

PETERSON	YES	KOLKER	YES
EWELL	YES	BUKRABA	YES
RICHARDS	YES		

• **DISCHARGE**

DA-39-05

Respondent	Tunisa L. Jackson	Appeal Date	1/18/05
Agency	Public Aid	Decision Date	7/7/05
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge(s)	Inappropriate Behavior; Failing/Refusing to Follow Dept. Policy; Attempting to Commit a Crime; Conduct Unbecoming.	Recommended Decision	Charges Proven; ALJ Recommends Discharge.

VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL (continued)

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER BUKRABA AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE RECOMMENDED DECISION THAT THE CHARGES WERE PROVEN BUT THAT THE PROVEN CHARGES WARRANT A 90 DAY SUSPENSION FOR DISCIPLINARY PURPOSES IN LIEU OF DISCHARGE

**PETERSON YES KOLKER YES
 EWELL YES BUKRABA YES
 RICHARDSON YES**

• **RULE VIOLATION**
RV-56-05

Petitioner	Connie Lenear	Appeal Date	2/14/05
Agency	DOC	Decision Date	6/28/05
Type of Appeal	Rule Violation	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules	Proposed Finding	ALJ Finds No Violation of Personnel Rules Occurred as Alleged by Petitioner.

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER PETERSON AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE PROPOSED FINDING OF THE ADMINISTRATIVE LAW JUDGE THAT NO VIOLATION OF THE PERSONNEL RULES OCCURRED AS ALLEGED BY THE PETITIONER.

**PETERSON YES KOLKER YES
 EWELL YES BUKRABA YES
 RICHARDSON YES**

IX. APPEALS TERMINATED WITHOUT DECISION

• **DISMISSAL**
DA-73-05

Respondent	Michael J. Kudesh	Appeal Date	4/18/05
Agency	DNR	Decision Date	7/13/05
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge(s)	False Statements/ Representations; Conduct Unbecoming.	Recommended Decision	Settlement - Dismissal Subject to Commission Approval.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE ADMINISTRATIVE LAW JUDGE'S DECISION DISMISSING THE APPEAL OF THE PETITIONER, MICHAEL KUDESH.

PETERSON	YES	KOLKER	YES
EWELL	YES	BUKRABA	YES
RICHARDSON	YES		

• **DISMISSAL**
DA-76-05

Respondent	Booker T. Thornton	Appeal Date	5/12/05
Agency	IDOT	Decision Date	7/13/05
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge(s)	Conduct Unbecoming; Violence in the Workplace.	Recommended Decision	Settlement - Dismissal Subject to Commission Approval.

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY CHAIRMAN KOLKER AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE ADMINISTRATIVE LAW JUDGE'S DECISION DISMISSING THE APPEAL OF THE RESPONDENT, BOOKER T. THORNTON.

PETERSON	YES	KOLKER	YES
EWELL	YES	BUKRABA	YES
RICHARDSON	YES		

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X. AMENDMENTS IN CLASS SPECIFICATIONS

A. **The following class title was submitted for establishment by the Director of Central Management Services:**

Proposed Position Title

Laborer Foreman

IT WAS MOVED BY COMMISSIONER PETERSON SECONDED BY COMMISSIONER RICHARDS AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE ESTABLISHMENT OF THE FOLLOWING CLASS SPECIFICATIONS FOR THE FOLLOWING CLASS TITLE TO BE EFFECTIVE AUGUST 1, 2005.

Laborer Foreman

B. **The following class title was submitted for revision by the Director of Central Management Services:**

Current Position Title

Accounting and Fiscal Administration Career Trainee

IT WAS MOVED BY COMMISSIONER RICHARDS SECONDED BY COMMISSIONER PETERSON AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE ESTABLISHMENT OF THE FOLLOWING CLASS SPECIFICATIONS FOR THE FOLLOWING CLASS TITLE TO BE EFFECTIVE AUGUST 1, 2005.

Accounting and Fiscal Administration Career Trainee

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY CHAIRMAN KOLKER AND THE MOTION UNANIMOUSLY ADOPTED TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

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XI. STAFF REPORT

Executive Director Daniel Stralka reported that the Commission has updated its TTY equipment.

Executive Director Daniel Stralka also reported on progress with the facade renovations at the Commission's Springfield office.

Ethics Training materials were distributed to all Commissioners.

Field work for the Commission's 2 year compliance audit will begin on August 16. The initial questionnaire has been completed and submitted to the Auditor General.

Assistant Executive Director Andrew Barris reported that the quarterly EEO report has been submitted to the Department of Human Rights.

XII. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, August 18, 2005 at 9:00 a.m. in the Commission's Chicago Office.

XIII. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER RICHARDS AND THE MOTION UNANIMOUSLY ADOPTED TO ADJOURN THE MEETING AT 10:17 A.M.